

REMARKS

The Applicants would like to extend their thanks to the Examiner's indication of allowability of claims 14 and 15 if rewritten to incorporate the limitations of their respective independent claims. By this Response, claims 2, 4-6, 15, and 21 have been amended to address the Examiner's rejections of claim 21 under 35 U.S.C. § 101 and claims 2, 4-6, and 15 35 U.S.C. § 112, second paragraph. The amendments made are fully supported by the specification as filed. No new matter has been introduced. In addition, the Applicants respectfully traverse the Examiner's rejections of claims 2, 4-7, 9, 13, 16-17, 19-21 under 35 U.S.C. § 103. Reconsideration of the pending claims 2, 4-7, 9-10, 13-17 and 19-21 is hereby earnestly requested.

Rejections Under 35 U.S.C. § 101

Claim 21 has been rejected under 35 U.S.C. § 101 as being directed to an invention which comprises non-statutory subject matter. Claim 21 has been amended to clarify that the medium, when read, causes the computer reading the computer software stored on the recording medium, to perform the recited steps. That is, the medium is used in combination with a computer to effectuate various steps to be performed. The amended claim 21 is clearly directed to statutory subject matter. Therefore, the Applicants respectfully request that the rejection of claim 21 based on 35 U.S.C. § 101 be withdrawn.

Rejections Under 35 U.S.C. § 112

Claims 2, 4-6, and 15 have been rejected under 35 U.S.C. § 112 second paragraph for failing to particularly point out and distinctly claim the subject matter which the applicant regards as their invention. By these amendments, claims 2, 4-6, and 15 have been amended to

more clearly point out and distinctly claim the subject matter of the invention. Therefore, the Applicants respectfully submit that all claims overcome the indefiniteness rejection and are now in condition for allowance.

Rejections Under 35 U.S.C. § 103

Claims 2, 4-5, 7, 9, 13, 16, and 19-21 have been rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,835,493 (Magee et al.). The Applicants respectfully traverse the rejections.

Claims 2, 7, 20, and 21 are independent claims and they all recite the feature of “overwriting packets” corresponding to necessary-packet areas in a first TS to unnecessary-packet areas in a second TS. Magee et al. teach a method and system to remultiplex a transport stream that “selectively include one or more programs” (see column 8, lines 3-8). According to Magee et al., “The DLM 110 receives each transport packet of each inputted transport stream in parallel. ... retrieves the indications corresponding to the retrieved PID to determine what action is to be performed on the transport packet based on the capture and transfer indicators. ... Thus, the remultiplexed transport stream contains only selected transport packets for which a transfer indication was provided” (column 9, lines 41-67, and column 10, lines 2-4). That is, Magee et al. teach how to select one or more desired programs out of a plurality of programs received in parallel based on PIDs that uniquely identify individual transport packets corresponding to each desired program. Importantly, when a desired program is selected, packets of such a selected program do not get overwritten. That is, Magee et al. do not teach rewriting packets corresponding to unnecessary packets from one TS using packets corresponding to necessary packets from a different TS, as recited in independent claims 2, 7, 20, and 21. In addition, the Applicants respectfully point out that the ordinary meaning of the term “overwrite” is “to destroy

or lose old data by recording new data over it” or “record new data on top of already stored data, thus destroying the old data” (See <http://www.thefreedictionary.com/overwrite>). The Megee’s remultiplexing simply does not have the feature of “overwriting”.

When a 103 rejection is made based on a single piece of prior art reference, each and every limitation must be either disclosed or suggested by the cited prior art in order to establish a prima facie case of obviousness (see **M.P.E.P. §2143.03**). The Applicants respectfully submit that since Magee et al. fail to disclose or suggest the limitation of “overwriting packets”, a prima facie case of obviousness based on Megee et al. alone can not be established. Therefore, the Applicants respectfully request that rejections of claims 2, 7, 20, and 21 under 35 U.S.C. §103(e) be withdrawn.

Claims 4-5, 16, and 19 depend from claim 2 and are thus patentable for at least the same reasons as stated above with respect to claim 2 and for the additional features recited therein. Therefore, the Applicants respectfully request that rejections of claims 4-5 and 16 under 35 U.S.C. § 103(e) be withdrawn.

Claims 9 and 13 depend from claim 7 and are thus patentable for at least the same reasons as stated above with respect to claim 7 and for the additional features recited therein. Therefore, the Applicants respectfully request that rejections of claims 9 and 13 under 35 U.S.C. § 103(e) be withdrawn.

Claims 14 and 15 depend from claim 7. Although the Examiner indicated the allowability of claims 14 and 15, since claim 7 is patentable for the reasons stated above, claims 14 and 15 are thus patentable, in their current form, for at least the same reasons as stated above with respect to claim 7 and for the additional features recited therein. Therefore, the Applicants earnestly request the Examiner allow claims 14 and 15 in their current form.

Rejections Under 35 U.S.C. § 103

Claim 17 has been rejected under under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,835,493 (Magee et al.) as applied above or in view of U.S. patent 6,968,494 (Zhang). The Applicants respectfully traverse this rejection.

The Applicants respectfully point out that Zhang does not constitute prior art. The certified priority document filed herewith shows that the instant application predates the priority date of Zhang. Therefore, the Applicants respectfully request that rejection of claim 17 under 35 U.S.C. §103(a) be withdrawn.

Claim 6 has been rejected under under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,835,493 (Magee et al.) as applied above or in view of U.S. patent 6,944,186 (Zaun et al.). As discussed above, Megee et al. do not teach the feature “overwriting packets”. In addition, Megee et al. do not motivate or suggest a combination of Megee et al. with Zaun, as suggested by the Examiner. The Examiner asserted that Zaun teaches the feature of “NULL” packet. The Applicants respectfully point out that Zuan does not teach “NULL” packets as “unnecessary-packet areas”. Zuan teaches “If the output queue is empty and an insert packet is available in the insert packet buffer, the location of that insert packet is passed into the output stream at step 530. Otherwise, the location of the null packet is passed into the output stream.” See Col. 15, 25-29. This evidences that Zuan teaches to insert NULL packets into the output stream, rather than overwriting null packets that are treated as unnecessary packets, as recited in claim 6. Thus, Zuan does not teach “NULL” packets in the sense of claim 6. Therefore, even combined, the combination of Megee et al. and Zaun does not remedy Megee et al. because the combination does not teach the claimed feature “overwriting packets”. The Applicants respectfully submit that a prima facie case of obviousness based on Megee et al. and Zaun can

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not be established. Therefore, the Applicants respectfully request that rejection of claim 6 under 35 U.S.C. §103(a) be withdrawn.

Conclusion

The Applicants have addressed all rejections/objection raised by the Examiner. Accordingly, it is believed that all pending claims are now in condition for allowance. Applicants therefore respectfully request an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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